

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET SW**  
**WASHINGTON DC 20554**

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mb/audio](http://www.fcc.gov/mb/audio)

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June 12, 2009

Educational Media Foundation  
5700 West Oaks Boulevard  
Rocklin, CA 95765

In re: WKVC(FM), North Myrtle Beach, SC  
Educational Media Foundation ("EMF")  
Facility ID No.: 14226  
BPED-20090527AGA

Dear Applicant:

This letter is in reference to the above-captioned non-commercial educational FM minor change application to change from 100 kilowatts vertical only polarization to 100 kilowatts circular polarization (horizontal and vertical polarization). For the reason stated below, the application will be dismissed.

An engineering study of the application reveals that it fails to comply with 47 C.F.R. § 73.525 with respect to Channel 6 TV Station WECT(TV), Wilmington, North Carolina. Pursuant to the Commission's Public Notice,<sup>1</sup> the Bureau will dismiss any NCE FM station application that fails either to (1) satisfy § 73.525 protection requirements, or (2) include an unconditional consent letter from the affected television Channel 6 station concurring with the proposed NCE FM facilities. The Public Notice further states that these requirements will continue to apply to all NCE FM reserved band applications until such time as the Commission expressly states otherwise, regardless of the date on which a potentially impacted television Channel 6 station terminates analog broadcast service. In the application it is stated that EMF verified that WECT(TV) was no longer broadcasting on Channel 6 analog, however, no consent letter from WECT(TV) was filed with the application.

In light of the above, Application BPED-20090527AGA is unacceptable for filing and is **HEREBY DISMISSED** pursuant to 47 C.F.R. § 73.3566(a). This action is taken pursuant to 47 C.R.R. § 0.283.

Sincerely,

*Arthur E. Doak*

Arthur E. Doak  
Senior Engineer  
Audio Division  
Media Bureau

cc: Davis Wright Tremaine LLP

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<sup>1</sup> See *Media Bureau Provides Guidance to NCE FM Stations Regarding Television Channel 6 Protection Requirements*, Public Notice, DA 09-744, (released April 1, 2009).